

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of Texas
 Pecos Division

United States of America
 v.

Johanna Lizeth Amaya

Defendant(s)

Case No. 4:23mj- 501

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 20, 2023 in the county of Brewster in the
WESTERN DISTRICT OF TEXAS, the defendant(s) violated:

Code Section

Offense Description

Defendant,
 8 USC 1324(a)(1)(A)(ii)&(B)(i)

Defendant did knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves, or attempts to transport or move such alien within the United States in furtherance of said violation of law for the purpose of commercial advantage or private financial gain.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complaint sworn to before me and electronically signed on this date. FED.R.CRIM.P. 4.1(b)(2)(A).

Date: 08/21/2023

City and state: Alpine, Texas



Complainant's signature

Border Patrol Agent Marissa Martinez

Printed name and title



Judge's signature

Honorable Judge David B. Fannin

United States Magistrate Judge

AFFIDAVIT

United States of America

v.

Defendant:

1) Johanna Lizeth Amaya

On August 20, 2023, Border Patrol Agents (BPA) Gabriel Sanchez and Bryan Ceballos were assigned to Roving Patrol in Lajitas, Texas. At approximately 12:15 a.m., Agents were traveling south on Highway 118 towards Lajitas, Texas, when they observed a vehicle pulled over on the side of the road flashing their lights in an attempt to get their attention. Highway 118 is a remote, two-lane highway that leads away from the Big Bend National Park, which borders the northern states of Chihuahua and Coahuila, Mexico. Due to the vastness of the area, smugglers of both illegal aliens and narcotics frequently utilize the area.

BPA Sanchez and Ceballos contacted Big Bend Sector Dispatch and notified them that they were conducting a welfare check and initiated the consensual encounter. BPA Sanchez activated the emergency lights on his assigned marked unit for safety reasons. As BPA Sanchez was approaching the vehicle, the driver, later identified as Johanna Lizeth Amaya, exited the vehicle, and stated they had a flat tire and they did not have a spare for it. BPA Sanchez contacted a towing company for the individuals and advise them to return to their vehicle. BPA Sanchez began to talk to Amaya and the passenger, later identified as Estefany Guadalupe Ortiz-Romero. BPA Sanchez noticed that every time he addressed Ortiz-Romero, Amaya would answer for her and not let her answer.

BPA Sanchez asked Ortiz-Romero to exit the vehicle and speak to BPA Ceballos while he continued to speak with Amaya. BPA Sanchez asked how they knew each other to which Amaya stated that they were distant cousins. Amaya stated that she had driven from Odessa, Texas to pick her up and take her back with her. BPA Sanchez then continued to ask Amaya if she could state her cousin's name, birthdate, or how long they have been in contact to which Amaya could not give a straight answer.

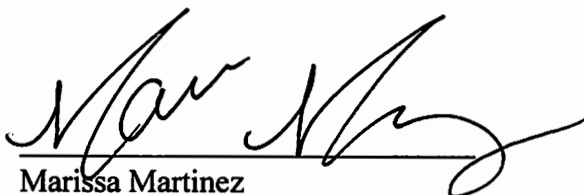
BPA Ceballos asked Ortiz-Romero if she had any form of identification on her and she stated she did not. BPA Ceballos asked for Ortiz-Romero to provide him her full name and date of birth to which she gave the name of Fransisca Selena Escamilla and the date of birth January 12, 1995. BPA Ceballos informed Big Bend Sector Dispatch of this information and they informed him that there was no record attached to that name and date of birth. BPA Ceballos asked Ortiz-Romero again if she had any form of identification and she provided a State of California Birth Certificate. BPA Ceballos began to ask Ortiz-Romero information pertaining to the birth certificate to which she was not able to answer. At this time, BPA Ceballos conducted an immigration inspection and Ortiz-Romero admitted to have presented a birth certificate that was not hers and was illegally present in the United States.

BPA Ceballos read Ortiz-Romero her *Miranda* rights and agreed to further questioning after being placed under arrest. Ortiz-Romero stated she did not know the driver. Ortiz-Romero stated that Amaya picked her up in Terlingua, Texas and was to drive her to Odessa, Texas. Ortiz-Romero stated that she had paid \$4,000 to be smuggled into the United States. Both subjects were placed under arrest at this time.

Ortiz-Romero was read her *Miranda* rights once again at the Alpine Border Patrol Station and she stated that Amaya knew she was illegally present in the United States and provided her the State of California

Birth Certificate. Ortiz-Romero stated that Amaya instructed her to study and memorize it before they reached the Border Patrol Checkpoint on south Highway 118.

During a post *Miranda* interview, Amaya agreed to talk to the agents and stated she was told to pick Ortiz-Romero by one of her cousin's friends. Amaya stated that she was instructed to pick up Ortiz-Romero in Terlingua, Texas and was to drive her to Odessa, Texas. When asked if she knew Ortiz-Romero was illegally present in the United States, Amaya stated she did not at first but found out after she picked her up. Amaya stated that she had already received \$200 for gas money and was to get paid more later. When asked about how she obtained the birth certificate she provided Ortiz-Romero, Amaya stated that Ortiz-Romero already had it in her possession.



Marissa Martinez
Border Patrol Agent



David B. Fannin
United States Magistrate Judge